

BEFORE THE IOWA BOARD OF PHARMACY

RE: Nonresident Pharmacy License of HICARE PHARMACY LLC License No. 4856 Respondent	CASE NO. 2018-0079 COMBINED STATEMENT OF CHARGES, SETTLEMENT AGREEMENT, AND FINAL ORDER
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COME NOW the Iowa Board of Pharmacy ("Board") and Hicare Pharmacy LLC ("Respondent"), 7814 Alameda Rd, Houston TX 77054, and enter into this Combined Statement of Charges, Settlement Agreement, and Final Order ("Order") pursuant to Iowa Code sections 17A.10 and 272C.3(4), and 657 IAC 35.5. The Board has jurisdiction over Respondent and the subject matter of this case pursuant to Iowa Code chapters 17A, 155A, and 272C (2018), and 657 IAC chapter 36.

A. STATEMENT OF CHARGES

COUNT I

FAILURE TO COMPLY WITH RULE GOVERNING PIC CHANGES

1. Respondent is charged with failing to timely submit a pharmacy license application for a change in pharmacist in charge in violation 657 IAC 19.2(4)"c" and 8.35(6)"d", and may be disciplined pursuant to Iowa Code section 155A.13A(5)(d) and 657 IAC 19.11(5) and 36.6(21).

COUNT II

FAILURE TO HAVE REGISTERED PIC

2. Respondent is charged with failing to have a registered pharmacist in charge in violation of Iowa Code section 155A.13A(2) and 657 IAC 19.3, and may be disciplined pursuant to Iowa Code section 155A.13A(5)(d) and 657 IAC 19.11(5) and 36.6(21).

COUNT III

DISPENSING ERRORS

3. Respondent is charged with dispensing an incorrect prescription, which includes incorrect directions, and may be disciplined pursuant to Iowa Code section 155A.13A(5)(d) and 657 IAC 19.11(5) and 36.6(42).

COUNT IV

FAILURE TO MAINTAIN RECORDS

4. Respondent is charged with failing to maintain prescription processing documentation as required by 657 IAC 6.8 and 6.16, and may be disciplined pursuant to Iowa Code section 155A.13A(5)(d) and 657 IAC 19.11(5) and 36.6(21).

B. FACTUAL CIRCUMSTANCES

5. Respondent's nonresident pharmacy license number 4856 is currently delinquent due to nonrenewal, having expired on December 31, 2018.

6. On June 14, 2018, the Board received a fax from Respondent indicating D.A. was the new pharmacist in charge effective June 7, 2018. D.A. did not have a nonresident pharmacist in charge registration issued by the Board and a pharmacy application identifying D.A. as the new pharmacist in charge was never received by the Board.

7. On June 23, 2018, D.A. emailed the Board to indicate that effective June 19, 2018, she was no longer the pharmacist in charge.

8. On June 29, 2018, K.C. emailed the Board to indicate that she was the current pharmacist in charge. K.C. did not have a nonresident pharmacist in charge registration issued by the Board and a pharmacy application identifying K.C. as the new pharmacist in charge was never received by the Board.

9. On July 2, 2018, K.C. emailed the Board and indicated her last day as pharmacist in charge would be July 6, 2018.

10. On July 26, 2018, B.B. emailed the Board to indicate that he was the current pharmacist in charge. A completed pharmacy application identifying B.B. as the new pharmacist in charge was not received until September 9, 2018.

11. A review of prescription documentation from 2018 revealed that Respondent dispensed three prescriptions for Iowa patients with incorrect directions.

12. Respondent failed to provide requested prescription documentation for two prescriptions.

C. SETTLEMENT AGREEMENT AND FINAL ORDER

13. The Board has jurisdiction over the parties and the subject matter of these proceedings.

14. Respondent acknowledges that the allegations in the Statement of Charges, if proven in a contested case hearing, would constitute grounds for the discipline agreed to in this Order.

15. Execution of this Order constitutes the resolution of a contested case. Respondent has a right to hearing before the Board on the charges, but Respondent waives the right to hearing and all attendant rights, including the right to appeal or seek judicial review of the Board's action, by freely and voluntarily entering into this Order. Once entered, this Order shall have the force and effect of a disciplinary order entered following a contested case hearing.

16. Respondent acknowledges that it has the right to be represented by counsel on this matter.

17. Respondent agrees that the State's counsel may present this Order to the Board and may

have *ex parte* communications with the Board while presenting it.

18. This Order is subject to approval by a majority of the full Board. If the Board does not approve this Order, it shall be of no force or effect to either party, and shall not be admissible for any purpose in further proceedings in this matter. If the Board approves this Order, it shall be the full and final resolution of this matter.

19. This Order shall be part of Respondent's permanent record and shall be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of any future violations.

20. Respondent understands the Board is required by federal law to report any adverse action to the National Association of Boards of Pharmacy's Disciplinary Clearinghouse and the National Practitioner Data Bank.

21. This Order, when fully executed, is a public record and is available for inspection and copying in accordance with the requirements of Iowa Code chapters 22 and 272C.

22. The Board's approval of this Order shall constitute a **FINAL ORDER** of the Board.

IT IS THEREFORE ORDERED:

23. Respondent agrees to **VOLUNTARILY SURRENDER** its Iowa nonresident pharmacy license to resolve this matter. This voluntary surrender is considered discipline and, when accepted by the Board, has the same force and effect as an order of revocation pursuant to 657 IAC 36.8.

24. Respondent agrees not to dispense any prescription into Iowa, or engage in any other conduct that requires a nonresident pharmacy license, unless its nonresident pharmacy license is reinstated. Any request for reinstatement shall be governed by 657 IAC 35.36.

25. Should Respondent violate the terms of this Order, the Board may initiate action to impose other licensee discipline as authorized by Iowa Code chapters 155A and 272C and 657 IAC chapter 36.

By the signature below, _____ acknowledges s/he is the _____ for Respondent and is authorized to sign this Combined Statement of Charges, Settlement Agreement, and Final Order on behalf of Respondent.

1/25/2019
Date

Celia Jaramillo
HICARE PHARMACY LLC
Respondent

This Combined Statement of Charges, Settlement Agreement, and Final Order is approved by the Iowa Board of Pharmacy on the 12th day of March, 2019.



Chairperson
Iowa Board of Pharmacy